

PART-I**HARYANA GOVERNMENT****LAW AND LEGISLATIVE DEPARTMENT****Notification**

The 7th July, 2021

No. Leg.19/2021.— The following Act of the Legislature of the State of Haryana received the assent of the Governor of Haryana on the 18th June, 2021 and is hereby published for general information:-

HARYANA ACT NO. 19 OF 2021**THE PUNJAB LAND REVENUE (HARYANA AMENDMENT) ACT, 2020****AN****ACT**

further to amend the Punjab Land Revenue Act, 1887, in its application to the State of Haryana.

Be it enacted by the Legislature of the State of Haryana in the Seventy-first Year of the Republic of India as follows:-

1. (1) This Act may be called the Punjab Land Revenue (Haryana Amendment) Act, 2020. Short title and commencement.
 (2) It shall come into force from the date of its publication in the Official Gazette.

2. After section 111 of the Punjab Land Revenue Act, 1887 (hereinafter called the principal Act), the following section shall be inserted, namely:- Insertion of section 111A in Punjab Act 17 of 1887.

“111A. Partition in case of joint holdings between land owners not related by blood.— (1) Notwithstanding anything contained in section 111 and within a period of three months from the date of commencement of this amending Act, the Revenue Officer having jurisdiction shall issue a suo motu notice to all co-sharers recorded in the revenue record or co-sharers in whose favour mutations have been sanctioned, to get the land in their joint ownership partitioned by mutual consent within a period of six months from the date of issue of the notice:

Provided that this provision shall not apply where all co-sharers are related by blood or where the other co-sharer is a spouse.

(2) If the partition is not carried out by the co-sharers due to any reason, the Revenue Officer may, on an application made to him by any co-sharer, grant a further extension of upto six months to get the land in their joint ownership partitioned by mutual consent.

(3) On receipt of the agreement by all co-sharers to the partition by mutual consent, the Revenue Officer shall, within a period of one month, affirm the partition amongst all or any of the co-sharers and direct an entry to be made in the mutation register in accordance with the provisions of section 123:

Provided that where there is a dispute regarding the land in any Civil Court or where the land is, or has been, recorded as shamilat deh as defined in clause (g) of section 2 of the Punjab Village Common Lands (Regulation) Act, 1961 (Punjab Act 18 of 1961), the Revenue Officer shall decline to affirm such agreement or to make any entry in the mutation register.

(4) If the partition is not carried out within the period specified in sub-sections (1) and (2) and immediately on expiry of the said period thereof, the Revenue Officer shall proceed to adjudicate and decide the partition of the land under joint ownership amongst the co-sharers:

Provided that the Revenue Officer shall adjudicate and decide the matter within a maximum period of six months.

(5) After the decision by the Revenue Officer on partition of the land amongst the co-sharers as specified in sub-section (4), such order shall be held in abeyance for a period of three months from the date of decision of the Revenue Officer to grant liberty to the co-sharers to submit to the Revenue Officer a separate and mutually agreed partition of land under joint ownership of the co-sharers after giving them a notice:

Provided that where the co-sharer submit a separate and mutually agreed partition of land, such partition shall prevail upon the order of the Revenue Officer under sub-section (4) and shall be affirmed by the Revenue Officer as provided in sub-section (3).

(6) While giving effect to the mutually agreed partition, as provided in sub-section (3) or sub-section (5), the co-sharers shall be entitled to transfer the land by way of exchange, sale or gift amongst themselves and no stamp duty leviable under the Indian Stamp Act, 1899 (Central Act 2 of 1899), shall be levied on such transaction.

(7) No appeal shall lie against any partition of land under joint ownership by mutual consent under sub-sections (3) and (5).

(8) An appeal against the order of the Revenue Officer under sub-section (4) shall be filed before the Collector or such other officer authorized in this behalf by the State Government within a period of thirty days from the date of the order under sub-section (4).

(9) The Collector shall give an opportunity of hearing and shall pass an order accepting, revising or rejecting the appeal. The Collector shall not remand the appeal under any circumstances.

(10) No second appeal or revision shall lie against the order of the Collector under sub-section (9)."

Insertion of
section 118A in
Punjab Act 17 of
1887.

3. After section 118 of the principal Act, the following section shall be inserted, namely:-

"118A. Time limit for decision of partition cases.- (1) In partition cases not covered under section 111-A, the Revenue Officer shall decide the partition proceedings within a period of six months from the date of application for partition.

(2) If the Revenue Officer is not able to decide the partition case within the stipulated time for the reasons to be recorded in writing, he shall submit the case to the District Collector within fifteen days prior to the expiry of the prescribed period for extension of the same.

(3) The District Collector may, in exceptional cases and for the reasons to be recorded in writing, grant one time extension for making decision of a partition case for a period not exceeding three months subject to such other conditions, as he deems fit so as to ensure expeditious disposal of the case.

(4) If the Revenue Officer fails to decide a partition case within the original or extended period, as the case may be or contravenes any of the condition imposed by District Collector, he shall be liable for such action including imposition of penalty, as may be prescribed under relevant service rules applicable to such officer after following due procedure."

BIMLESH TANWAR,
Administrative Secretary to Government Haryana,
Law and Legislative Department.